

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE ALTA MESA RESOURCES, INC.
SECURITIES LITIGATION

Case No. 4:19-cv-00957

Judge George C. Hanks, Jr

**DEFENDANT ARM ENERGY HOLDINGS, LLC’S UNOPPOSED MOTION TO FILE
UNDER SEAL EXHIBITS TO ITS MOTIONS *IN LIMINE***

Defendant ARM Energy Holdings, LLC (“ARM Energy”) respectfully requests leave to file unredacted copies of Exhibits attached to its Motions *in Limine* under seal, pursuant to the Stipulation and Protective Order (“the Protective Order”) entered on August 7, 2021 (ECF No. 190). The Sealed Documents include (i) Charles Bo Dunne deposition transcript excerpts, which were designated as confidential under the Protective Order (Exhibit A); (ii) the D. Paul Regan expert report, which is marked confidential and was prepared at the direction of Plaintiffs in connection with this litigation (Exhibit B); (iii) emails discussing certain confidential information that were marked confidential when produced (Exhibit C); and (iv) the Operating Transition Services Agreement between Kingfisher and Asset Risk Management, LLC, which was also marked confidential at the time of production (Exhibit D) (collectively “Sealed Documents”). Counsel for ARM Energy has conferred with opposing counsel and there is no opposition to the filing of this motion.

As grounds for this motion, Exhibits A through D are confidential and sensitive documents subject to the Protective Order. This Court maintains “supervisory power” over its own docket and should act to deny public access to documents “where court files might . . . become a vehicle for improper purposes.” *SEC v. Van Waeyenberghe*, 990 F.2d 845, 848 (5th Cir. 1993) (quoting *Nixon*

v. Warner Commc'ns, Inc., 435 U.S. 589, 598 (1978)). Courts routinely seal sensitive business and financial information of parties, recognizing that such information is subject to use for “improper purposes.” *See Udoewa v. Plus4 Credit Union*, 754 F. Supp. 2d 850, 884 (S.D. Tex. 2010).

Exhibits A through D contain information that should be sealed on these grounds. These Exhibits were filed under seal with ARM Energy’s Motions *in Limine* on October 21, 2024.

For these reasons, ARM Energy requests that the Court grant this unopposed Motion and order the Sealed Documents to remain sealed.

Dated: October 21, 2024

Respectfully submitted,

EVERSHEDS SUTHERLAND (US) LLP

/s/ James L. Silliman

James L. Silliman (*Attorney-in-Charge*)

State Bar No. 24081416

Fed. ID No. 2365032

1001 Fannin Street, Suite 3700

Houston, Texas 77002

Telephone: (713) 470-6100

Fax: (713) 654-1301

jimsilliman@eversheds-sutherland.com

Bruce M. Bettigole (*pro hac vice*)

The Grace Building, 40th Floor

1114 Avenues of the Americas

New York, NY 10023

Telephone: (212) 389-5000

Fax: (212) 389-5099

brucebettigole@eversheds-sutherland.com

Adam C. Pollet (*pro hac vice*)

Andrea Gordon (*pro hac vice*)

Jessica R. Rodgers (*pro hac vice*)

700 Sixth Street N.W., Suite 700

Washington, DC 20001

Telephone: (202) 383-0100

Fax: (202) 637-3593

adampollet@eversheds-sutherland.com

andragordon@eversheds-sutherland.com

jessicarodgers@eversheds-sutherland.com

Samantha N. Darnell (*pro hac vice*)
Ian Jones (*pro hac vice*)
999 Peachtree Street, NE Suite 2300
Atlanta, GA 30309-3996
Telephone: (404) 853-8000
Fax: (404) 853-8806
samanthadarnell@eversheds-sutherland.com
ianjones@eversheds-sutherland.com

Counsel for Defendant ARM Energy Holdings, LLC

CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2024, a copy of the foregoing Motion to File Under Seal was electronically filed using the Court's CM/ECF system, which will send notification of such filing to all counsel and parties of record.

/s/ James L. Silliman

James L. Silliman (*Attorney-in-Charge*)